

ZB# 98-33

Alfred Cestari

73-3-10

Prelim ^{Dec 4}
Sep 14, 1998
Amend NOD -
Notice to appear
Public Hearing:
July 12, 1999.
Area Variance
Refund: \$212.00

#98-33- Cestari, Alfred

73-3-10

Area

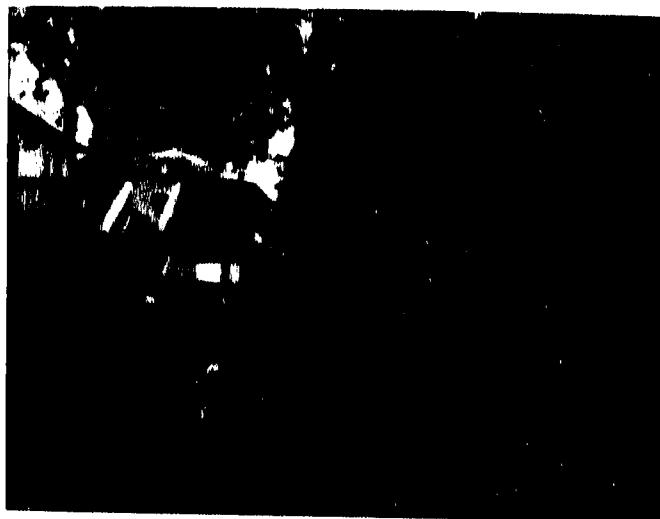
Wilson Jones • Columbus • STEPS-1004 Duplicate • 9485794-02 Printed in U.S.A.

© Wilson Jones 1989

DATE 6/23/99 RECEIPT 039397
RECEIVED FROM Alfred Cestali
Address Dufty
FOR 2000 98-33 00 DOLLARS \$ 50.00
100

ACCOUNT		HOW PAID	
BEGINNING BALANCE		CASH	
AMOUNT PAID		CHECK <input checked="" type="checkbox"/>	5832
BALANCE DUE		MONEY ORDER	

Town Clerk
BY Dorothy Hansen es.



APPLICATION FEE (DUE AT TIME OF FILING OF APPLICATION)

APPLICANT: Cestari

FILE# 98-33

RESIDENTIAL: \$50.00
INTERPRETATION: \$150.00

COMMERCIAL: \$150.00

AREA ☒

USE ☐

APPLICATION FOR VARIANCE FEE \$ 50.00

ESCROW DEPOSIT FOR CONSULTANT FEES \$ 300.00

DISBURSEMENTS:

STENOGRAPHER CHARGES: \$4.50 PER PAGE

PRELIMINARY MEETING-PER PAGE 9/14/98-2 \$ 9.00
2ND PRELIMINARY- PER PAGE 7/12/99-2 \$ 9.00
3RD PRELIMINARY- PER PAGE \$ _____
PUBLIC HEARING - PER PAGE \$ _____
PUBLIC HEARING (CONT'D) PER PAGE \$ _____
TOTAL \$ 18.00

ATTORNEY'S FEES: \$35.00 PER MEEETING

PRELIM. MEETING: 9/14/98 \$ 35.00
2ND PRELIM. 7/12/99 \$ 35.00
3RD PRELIM. \$ _____
PUBLIC HEARING. \$ _____
PUBLIC HEARING (CONT'D) \$ _____
TOTAL \$ 70.00

MISC. CHARGES:

..... \$ _____
TOTAL \$ 88.00

LESS ESCROW DEPOSIT \$ 300.00
(ADDL. CHARGES DUE) \$ _____
REFUND DUE TO APPLICANT . \$ 212.00

*paid 6/23/99
cks# 5832-
5833*

In the Matter of the Application of

ALFRED CESTARI

**MEMORANDUM OF
DECISION GRANTING
AREA VARIANCE**

#98-33.

WHEREAS, ALFRED CESTARI, residing at 435 Philo Street, New Windsor, New York 12553, has made application before the Zoning Board of Appeals for a 10 ft. rear yard variance for an existing deck at the above location in an R-4 zone; and

WHEREAS, a public hearing was held on the 12th day of July, 1999 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant appeared on behalf of himself for this Application; and

WHEREAS, there were no spectators appearing at the public hearing; and

WHEREAS, no one spoke in favor or in opposition to the Application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and in The Sentinel, also as required by law.

2. The evidence presented by the Applicant showed that:

(a) The property is a residential property consisting of a one-family home located in a neighborhood containing one-family homes.

(b) The deck is similar to many other decks in the neighborhood.

(c) There have been no complaints about the deck either formal or informal.

(d) The deck causes no ponding or collection of water and diverts no water run off.

(e) There is an entrance from the house directly on to the deck. If the deck were not

there a person exiting the house would fall a considerable distance likely resulting in considerable injury.

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.

2. There is no other feasible method available to the Applicant which can produce the benefits sought.

3. The variance requested is substantial in relation to the Town regulations but nevertheless is warranted for the reasons listed above.

4. The requested variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.

5. The difficulty the Applicant faces in conforming to the bulk regulations is self-created but nevertheless should be allowed.

6. The benefit to the Applicant, if the requested variance is granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.

7. The requested variance is appropriate and is the minimum variance necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.

8. The interests of justice will be served by allowing the granting of the requested area variance.

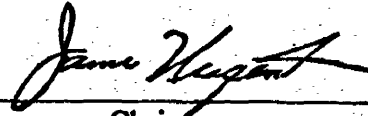
NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a 10 ft. rear yard variance for an existing deck at the above residence in an R-4 zone, as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and Applicant.

Dated: September 13, 1999.

A handwritten signature in cursive script, appearing to read "James H. Hight", written over a horizontal line.

Chairman

Date 7/21/99, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO Frances Roth DR.
168 N. Drury Lane
Newburgh, N.Y. 12550

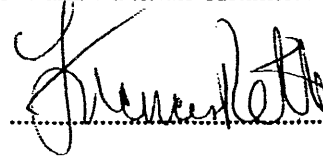
DATE			CLAIMED	ALLOWED
7/12/99		Zoning Board Mtg	75 00	
		Misc. - 2		
		Manusa - 4		
		Kadian - 4		
		Fountain - 10		
		Paspisil - 6		
		Gannon - 2		
		Leath - 3		
		Zecoda - 2		
		McQuinness - 3		
		Costari - 2 38 \$ 9.00	171 00	
			246 00	

STATE OF NEW YORK,
TOWN OF NEW WINDSOR

} ss.

I hereby certify, that the items of this account are correct; that the disbursements and services charged therein have in fact been made and rendered, and that no part thereof has been paid or satisfied, that the amount herein mentioned is in full settlement for all services rendered and materials furnished.

Sign Here



No.

Town of New Windsor

Nature

Amount Claimed \$

Amount Allowed \$

Filed

I hereby certify that at a meeting of
said Town Board held at the office of the
Town Clerk on the day
of, 19.....

the within claim was audited and allowed
for the sum of

\$

Clerk

CESTARI, ALFRED

MR. NUGENT: Request for 10 ft. rear yard variance for existing deck at 435 Philo Street in an R-4 zone. Is there anyone here for this request? There's no one in the audience for this proposal.

Mr. Alfred Cestari appeared before the board for this proposal.

MR. CESTARI: This property is in a residential area, decks are very common in the area, I have some photographs.

MS. BARNHART: We sent out 66 addressed envelopes on June 24 and all these people arrived.

MR. CESTARI: It was built by a contractor, it's safe, it's not an eyesore, I've had no complaints about it and need a 10 foot variance.

MR. KANE: No water problems, no runoff, anything along those lines?

MR. CESTARI: No.

MR. KRIEGER: There's an entrance from the house right directly onto the deck?

MR. CESTARI: Yes, from the upstairs from the kitchen onto the deck.

MR. KRIEGER: If the deck weren't there, somebody went out that door, how far would they fall before they hit the ground?

MR. CESTARI: I would say eight to ten feet, it's on the second level.

MR. KRIEGER: Likely resulting in considerable injury?

MR. KANE: Provides a safe means of access from that?

MR. CESTARI: Yes.

July 12, 1999

37

MR. NUGENT: I'll accept a motion if there's no further questions.

MR. TORLEY: I move that we grant the requested rear yard variance for Mr. Alfred Cestari.

MR. KANE: Second the motion.

ROLL CALL

MR. REIS	AYE
MR. KANE	AYE
MR. TORLEY	AYE
MR. NUGENT	AYE

Date 10/9/98, 19.....

TOWN OF NEW WINDSOR

TOWN HALL, 555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553

TO DR.

Frances Roth
168 N. Drury Lane
Newburgh, N.Y. 12550

DATE			CLAIMED	ALLOWED
9/14/98		Zoning Board	75.00	
		Misc - 1		
		Cestari - 2 @ 9.10		
		Wilson - 3		
		Greer - 4		
		Lucas - 7		
		Gannotti - 9		
		N/W Partners - 18		
		Bila Partners - 42	387.00	
		86		
			462.00	

PRELIMINARY MEETINGS:

CESTARI, ALFRED

MR. NUGENT: Request for 6 ft. rear yard variance for existing deck located at 435 Philo Street in an R-4 zone.

Mr. Alfred Cestari appeared before the board for this proposal.

MR. CESTARI: Prior to coming this evening, I rechecked the measurements and if I could amend the variance to be 10 feet, that way it gives me a little bit of latitude if I made a mistake with the measurements.

MS. BARNHART: All right.

MR. CESTARI: It's an existing deck since about 1988 or '87, and measurement from the rear of the deck to the property line is 30 feet, code requires 40 feet, therefore, I request a 10 foot variance.

MR. NUGENT: Do you want to hand this over to the building inspector so he can amend the numbers on there cause he's the one that put them on there? Now, from these pictures, do you want to explain exactly what you're doing, you're moving the deck out?

MR. CESTARI: No, the deck is existing, we're not changing it in any manner, it's just that it was never properly inspected for the building permit which it requires.

MR. NUGENT: Any questions by the board?

MS. BARNHART: May I keep this?

MR. CESTARI: Yes.

MR. NUGENT: I'll accept a motion.

MR. REIS: Let me just ask Mr. Cestari, what preempted your move to come to the ZBA?

MR. CESTARI: Possibility of moving.

MR. REIS: So, it's for a C.O. Thank you.

MS. OWEN: I make a motion that we set Mr. Alfred Cestari up for a public hearing for his request for 10 foot rear yard variance for his existing deck.

MR. REIS: Second it.

ROLL CALL

MS. OWEN	AYE
MR. TORLEY	AYE
MR. KANE	AYE
MR. REIS	AYE
MR. NUGENT	AYE

MS. BARNHART: Mr. Cestari, we have a few thousand pieces of paper here for you.

MR. KRIEGE: Mr. Cestari, if you, in making your presentation, would address yourself to the criteria set forth on that sheet, those are the criteria on which the ZBA must decide, based on state law.

MR. REIS: You're all set.

MR. BABCOCK: That's at the public hearing.

MR. CESTARI: Thank you.

ALFRED CESTARI
MAUREEN CESTARI
435 PHILO ST
NEW WINDSOR, NY 12553

5833

1-108/280

Pay to the
Order of

6/23 1999
Town of New Windsor
Thrs. Heald

\$ 300⁰⁰

Dollars ☒ Security features
Visible on back

Marine Midland Bank ☒

WALLS GATE OFFICE
ROUTE 94 & TEMPLE HILL ROAD
WALLS GATE, NEW YORK 12584

For

261 98-33

all that

⑆028001081⑆078721383⑆ 5833

ALFRED CESTARI
MAUREEN CESTARI
435 PHILO ST
NEW WINDSOR, NY 12553

5832

1-108/280

Pay to the
Order of

6/23 1999
Town of New Windsor
Thrs. Heald

\$ 50⁰⁰

Dollars ☒ Security features
Visible on back

Marine Midland Bank ☒

WALLS GATE OFFICE
ROUTE 94 & TEMPLE HILL ROAD
WALLS GATE, NEW YORK 12584

For

261 98-33

all that



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-4693

Assessors Office

June 16, 1999

Alfred Cestari
435 Philo Street
New Windsor, NY 12553

RE: 73-3-10

Dear Mr. Cestari

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$85.00, less your deposit of \$25.00. Please remit the balance of \$60.00 to the Town Clerk at the above referenced location.

Sincerely,

Leslie Cook
Sole Assessor

/jc

cc: Pat Barnhart, ZBA

McCarthy Patrick t & Mary Ann
425 Philo Street
New Windsor, NY 12553

Antonacci Michael J & Trude
609 Sim Street
New Windsor, NY 12553

Restuccia Michael
122 Shore Drive
New Windsor, NY 12553

Aigner Keith & Evelyn
364 Nina Street
New Windsor, NY 12553

Rostek Jan & Angelina
362 Nina Street
New Windsor, NY 12553

Organ Thomas F & Margaret M
360 Nina Street
New Windsor, NY 12553

Probst Carol
358 Nina Street
New Windsor, NY 12553

Griffin Thomas J jr & Kathleen L
356 Nina Street
New Windsor, NY 12553

Lepore Carmine & Frances
354 Nina Street
New Windsor, NY 12553

Mullins Robert F & Margaret K
352 Nina Street
New Windsor, NY 12553

App Howard L & Elsa
350 Nina Street
New Windsor, NY 12553

McCrossen John C & Kathryn
348 Nina Street
New Windsor, NY 12553

Macchiarella Isidoro & Rosaria
346 Nina Street
New Windsor, NY 12553

Lennon Robert E jr & Hauptman
Stacey
344 Nina Street
New Windsor, NY 12553

Stiller Jeanne
342 Nina Street
New Windsor, NY 12553

Lehman Gail
340 Nina Street
New Windsor, NY 12553

Kostenblatt Mary & William
338 Nina Street
New Windsor, NY 12553

DeMilt Brendan F & Susan D
336 Nina Street
New Windsor, NY 12553

Mutinelli Marilyn
334 Nina Street
New Windsor, NY 12553

Cohen Elliot & Vicki
332 Nina Street
New Windsor, NY 12553

Nicolosi Francis A & Geraldine
330 Nina Street
New Windsor, NY 12553

Farrell Thomas J & Joanne M
328 Nina Street
New Windsor, NY 12553

Mittelman Allen P & Stephanie L
326 Nina Street
New Windsor, NY 12553

Smith Ray C & Elizabeth A
357 Nina Street
New Windsor, NY 12553

Bernstein Myron & Phyllis F
Living Trust and as Trustees
355 Nina Street
New Windsor, NY 12553

Dreyer Darryl J & Sarah R
353 Nina Street
New Windsor, NY 12553

Muller Michael T Sr. & Sandra L
351 Nina Street
New Windsor, NY 12553

Baskind Richard S & Marilene D
349 Nina Street
New Windsor, NY 12553

Kaiser Fred & Annette
347 Nina Street
New Windsor, NY 12553

Murtagh Patrick & Izzo Lisa
345 Nina Street
New Windsor, NY 12553

Malaszuk Peter & Irene
343 Nina Street
New Windsor, NY 12553

Grimm Joseph J Jr. & Patricia A
Grimm
437 Philo Street
New Windsor, NY 12553

Como Joseph & Elizabeth M
433 Philo Street
New Windsor, NY 12553

Secretary of Veterans Affairs
C/o Fayer & Greenberger
175 Fulton Avenue
Hempstead, NY 11550

Guarracino John J & Mary C
429 Philo Street
New Windsor, NY 12553

Martin Kenneth & Jeanne T
427 Philo Street
New Windsor, NY 12553

Hersh Bob & Rosemary
444 Philo Street
New Windsor, NY 12553

Finneran Thomas & Kathleen
446 Philo Street
New Windsor, NY 12553

Corcoran William
448 Philo Street
New Windsor, NY 12553

LG Enterprises of New Jersey Inc
108 Lauren Lane
Lakehurst, NJ 08733

Hofving Kevin & Leslie
452 Philo Street
New Windsor, NY 12553

Trinajstic Thomas N
454 Philo Street
New Windsor, NY 12553

Graziano Richard P & Laura J
456 Philo Street
New Windsor, NY 12553

McKeon Donald S & Diana
339 Nina Street
New Windsor, NY 12553

Roberts Ursula
337 Nina Street
New Windsor, NY 12553

D'Agostino Robert & Xiomara
335 Nina Street
New Windsor, NY 12553

Hafner Joseph & Lemons Hyon
333 Nina Street
New Windsor, NY 12553

Breakiron Richard C & Bogardus
Anneke-Jans
331 Nina Street
New Windsor, NY 12553

Murphy William S Jr. & Brandee L
140 Shady Lane
Monterey, CA 93940

Canale John N & Catherine A
327 Nina Street
New Windsor, NY 12553

Prego Frank & Deborah
442 Philo Street
New Windsor, NY 12553

Dixon Steven E
325 Nina Street
New Windsor, NY 12553

Scheible Otto
532 Macnary Lane
New Windsor, NY 12553

Geraci Joseph P & Myra Jean
50 Steele Road
New Windsor, NY 12553

Cech Anton & Lucia
81 Steele Road
New Windsor, NY 12553

Recine David A & Julianna & Julia T
Bilello
79 Steele Road
New Windsor, NY 12553

Musman Lois S & Steele Richard A
C/o Lois Steele
PO Box 2181
Newburgh, NY 12550

CVC Capital Management
PO Box 2307
Newburgh, NY 12550

Wolfe Gerald & Eva-Maria
97 Keats Drive
New Windsor, NY 12553

Schaefer Warren L & Marion Knox
95 Keats Drive
New Windsor, NY 12553

D'Esposito Victor & Rose
93 Keats Drive
New Windsor, NY 12553

Eng Ben & Irena
91 Keats Drive
New Windsor, NY 12553

Patterson David R Jr. & Debra Ann
89 Keats Drive
New Windsor, NY 12553

Ioannidis Konstantinos & Margarita
87 Keats Drive
New Windsor, NY 12553

Ramos David & Migdalia
85 Keats Drive
New Windsor, NY 12553

Talbot Leo C & Sandra I
83 Keats Drive
New Windsor, NY 12553

**OFFICE OF THE BUILDING INSPECTOR
TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

*Prelim \$
Sept. 14, 1998
#98-33*

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

**APPLICANT IS TO PLEASE CONTACT THE ZONING BOARD SECRETARY AT (914)563-4630 TO
MAKE AN APPOINTMENT WITH THE ZONING BOARD OF APPEALS.**

DATE: July 29, 1998

APPLICANT: Alfred Cestari
435 Philo
New Windsor, New York 12553

PLEASE TAKE NOTICE THAT YOUR APPLICATION DATE: 7/21/98

FOR : existing deck

LOCATED AT: 435 Philo Street

ZONE: R-4

DESCRIPTION OF EXISTING SITE: 73-3-10

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

1. Existing deck does not meet minimum rear yard set-back.

Edward Aisi
BUILDING INSPECTOR

PERMITTED 40

PROPOSED OR
AVAILABLE:

VARIANCE
REQUEST:

ZONE: R-4 USE: G-10

MIN. LOT AREA:

MIN LOT WIDTH:

REQ'D.. FRONT YD:

REQ'D. SIDE YD:

REQD. TOTAL SIDE YD:

REQ'D REAR YD:

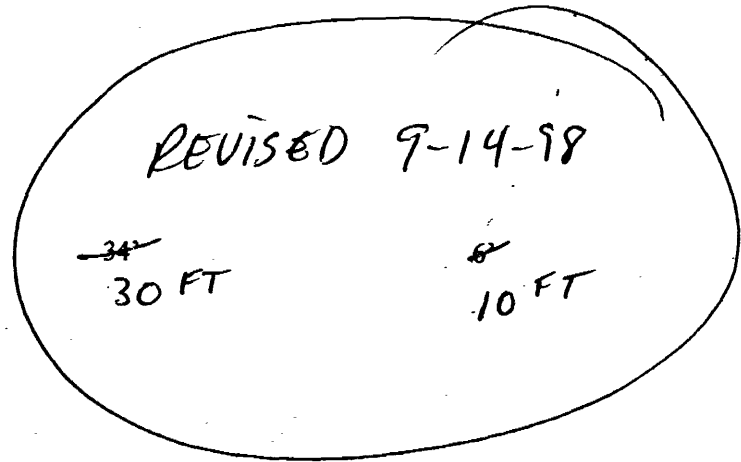
REQ'D FRONTAGE:

MAX. BLDG. HT.:

FLOOR AREA RATIO:

MIN. LIVABLE AREA:

DEV. COVERAGE:



cc: Z.B.A., APPLICANT, FILE, W/ ATTACHED MAP

IMPORTANT

YOU MUST CALL FOR ALL REQUIRED INSPECTIONS OF CONSTRUCTION

Other inspections will be made in most cases but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections it has not been approved and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

RECEIVED

JUL 21 1998

1. When excavating is complete and footing forms are in place (before pouring.)
2. Foundation inspection. Check here for waterproofing and footing drains.
3. Inspect gravel base under concrete floors and underslab plumbing.
4. When framing is completed and before it is covered from inside and plumbing rough-in.
5. Insulation.
6. Plumbing final and final. Have on hand electrical inspection data and final certified plot plan. Building is to be completed at this time. Well water test required and engineer's certification letter for septic system required.
7. Driveway inspection must meet approval of Town Highway Superintendent. A driveway bond may be required.
8. \$50.00 charge for any site that calls for the inspection twice.
9. Permit number must be called in with each inspection.
10. There will be no inspections unless yellow permit card is posted.
11. Sewer permits must be obtained along with building permits for new houses.
12. Septic permit must be submitted with engineer's drawing and perc test.
13. Road opening permits must be obtained from Town Clerk's office.
14. All building permits will need a Certificate of Occupancy or a Certificate of Compliance and there is no fee for this.

BUILDING DEPARTMENT

PLEASE PRINT CLEARLY

FILL OUT ALL INFORMATION WHICH APPLIES TO YOU

Owner of Premises Alfredo MAUGEN, Cestari

Address 435 Philo Street Phone 565-5938

Mailing Address Same

Name of Architect N/A

Address _____ Phone _____

Name of Contractor N/A

Address _____ Phone _____

State whether applicant is owner, lessee, agent, architect, engineer or builder _____

If applicant is a corporation, signature of duly authorized officer. _____

BOX
FOR OFFICE USE ONLY

Building Permit # _____

1. On what street is property located? On the W side of Phila St
(N, S, E or W)
and 200 feet from the intersection of NINA St.

2. Zone or use district in which premises are situated R-1 G-10 Is property a flood zone?
Y _____ N X

3. Tax Map Description: Section 73 Block 3 Lot 10

4. State existing use and occupancy of premises and intended use and occupancy of proposed construction.

a. Existing use and occupancy _____

b. Intended use and occupancy _____

5. Nature of work (check if applicable) New Bldg ☐ Addition ☐ Alteration ☐ Repair ☐ Removal ☐ Demolition ☐ Other X

6. Is this a corner lot? NO

Existing Deck
18' X 20'

7. Dimensions of entire new construction. Front _____ Rear _____ Depth _____ Height _____ No. of stories _____

8. If dwelling, number of dwelling units: N/A Number of dwelling units on each floor _____

Number of bedrooms _____ Baths _____ Toilets _____
Heating Plant: Gas _____ Oil _____ Electric/Hot Air _____ Hot Water _____
If Garage, number of cars _____

9. If business, commercial or mixed occupancy, specify nature and extent of each type of use N/A

10. Estimated cost _____ Fee \$50

11. School District _____ To be Paid on this Application)

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, excluding of the cost of the building permit fee.

TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK
Pursuant to New York State Building Code and Town Ordinances

Building Inspector: Michael L. Babcock
Asst. Inspector: Frank Lisi
New Windsor Town Hall
555 Union Avenue
New Windsor, New York 12553
(914) 563-4618
(914) 563-4695 FAX

Sldg Insp Examined _____
Fire Insp Examined _____
Approved _____
Disapproved _____
Permit No. _____

REFER TO:

Planning Board ☐ Highway Dept ☐ Sewer ☐ Water ☐ Zoning Board of Appeals ☐

INSTRUCTIONS

- A. This application must be completely filled in by typewriter or in ink and submitted in duplicate to the Building Inspector.
- B. Plot plan showing location of lot and buildings on premises, relationship to adjoining premises or public streets or areas, and giving a detailed description of layout of property must be drawn on the diagram which is part of this application.
- C. This application must be accompanied by two complete sets of plans showing proposed construction and two complete sets of specifications. Plans and specifications shall describe the nature of the work to be performed, the materials and equipment to be used and installed and details of structural, mechanical and plumbing installations.
- D. The work covered by this application may not be commenced before the issuance of a Building Permit.
- E. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.
- F. No building shall be occupied or used in whole or in part for any purpose whatever until a Certificate of Occupancy shall have been granted by the Building Inspector.

APPLICATION IS HEREBY MADE to the Building Inspector for the issuance of a Building Permit pursuant to the New York Building Construction Code Ordinances of the Town of New Windsor for the construction of buildings, additions, or alterations, or for removal or demolition or use of property as herein described. The applicant agrees to comply with all applicable laws, ordinances, regulations and certifies that he is the owner or agent of all that certain lot, piece or parcel of land and/or building described in this application and if not the owner, that he has been duly and properly authorized to make this application and to assume responsibility for the owner in connection with this application.

Walter L. Lister
(Signature of Applicant)

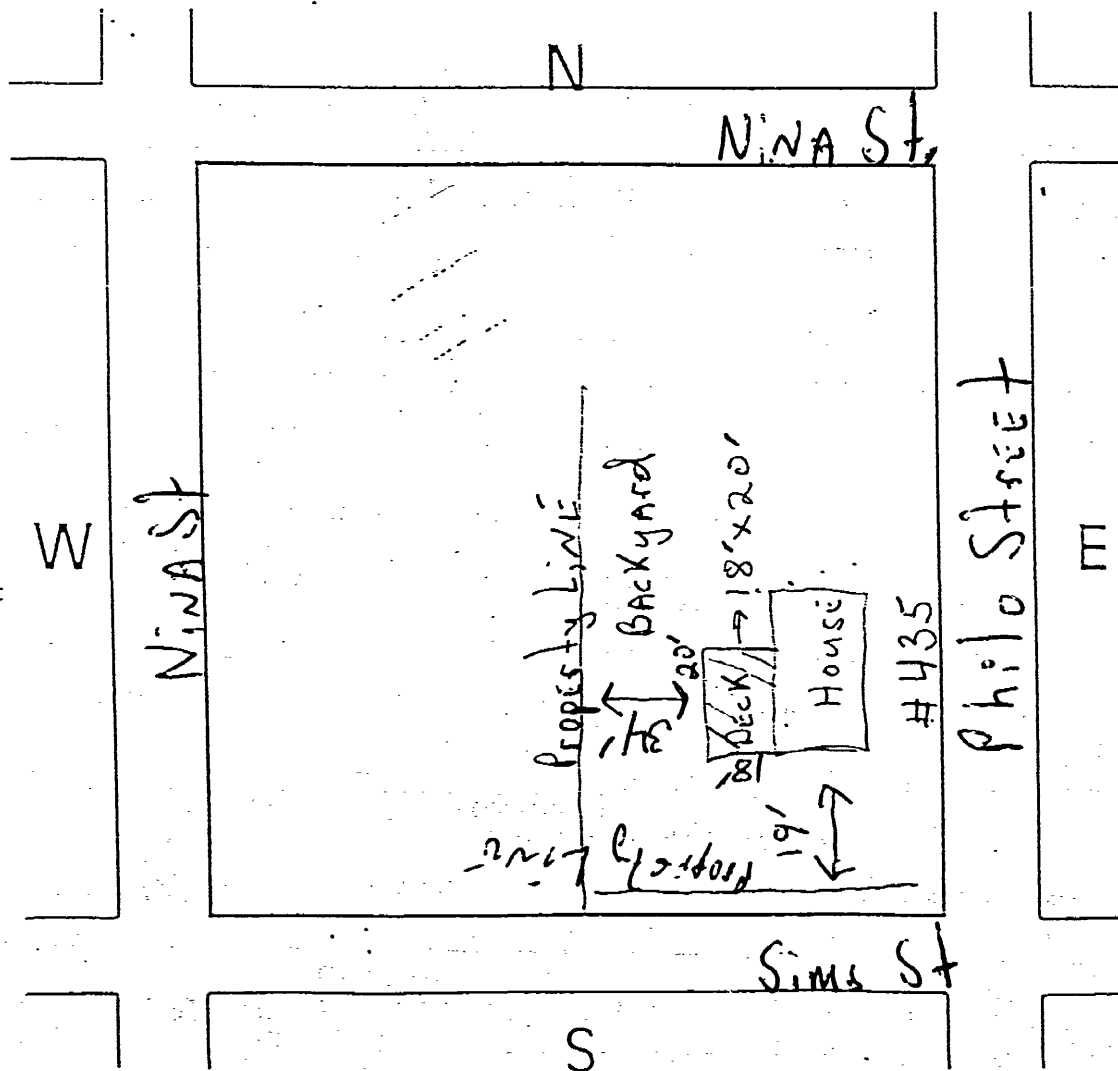
435 Phila St., New Windsor, NY
(Address of Applicant)

565-5938

PLOT PLAN

NOTE:

Locate all buildings and indicate all set back dimensions. Applicant must indicate the building line or lines clearly and distinctly on the drawings.





SECTION 75

SECTION 7

ALL NEWBURNH
ALL VAILS DATE

ORANGE COUNTY~NEW YORK

TOWN OF NEW WIN

Photo No. 8-339, 541 Date of Map: 10-24-72
Date of Photo: 3-1-53 Date of Revision: 3-1-93

Section No 73

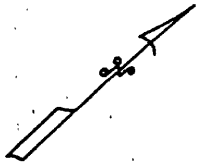
Scale: 1" = 100'

FILED PLAN BLOCK NO	20
FILED PLAN LOT NO	111
STATE HIGHWAYS	NO STATE ROAD NO.
COUNTY HIGHWAYS	COUNTY ROAD NO. 4
TOWN ROADS	TOWN ROAD NO.

SCALE IN 1/10 OF AN INCH



1-800-345-7334



SECTION 6

SECTION 4

SECTION 7

LEGEND			
STATE OR COUNTY LINE	FILED PLAN LOT LINE	TAX MAP BLOCK NO. (4)	FILED PLAN BLOCK NO.
CITY, TOWN OR VILLAGE	EASEMENT LINE	TAX MAP PARCEL NO. 32	FILED PLAN LOT NO.
BLOCK & SECTION LIMIT	MATCH LINE	AREAS (Dotted) is (A) (Circled) is (B)	STATE HIGHWAYS
SPECIAL DISTRICT LINE	STREAMS	DIMENSIONS (Dotted) is (A) (Circled) is (B)	COUNTY HIGHWAYS
PROPERTY LINE			TOWN ROADS

ALL NEWBURGH SCHOOL
ALL VAILS GATE FILE

NEW WINDSOR

**ZONING BOARD OF APPEALS : TOWN OF NEW WINDSOR
COUNTY OF ORANGE : STATE OF NEW YORK**

In the Matter of the Application for Variance of

Alfred Cerasi
Applicant.

98

**AFFIDAVIT OF
SERVICE BY
MAIL**

STATE OF NEW YORK)

) SS.:

COUNTY OF ORANGE)

PATRICIA A. BARNHART, being duly sworn, deposes and says:

That I am not a party to the action, am over 18 years of age and reside at 7 Franklin Avenue, Windsor, N. Y. 12553.

That on June 24, 1999, I compared the 66 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor regarding the above application for a variance and I find that the addresses are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Patricia A. Barnhart
Patricia A. Barnhart

Sworn to before me this
1st day of July, 1999.

Deborah Green
Notary Public

DEBORAH GREEN
Notary Public, State of New York
Qualified in Orange County
4984065
Commission Expires July 15, 1999

CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT. THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY

THIS INDENTURE, made the 29th day of January, nineteen hundred and seventy-five
BETWEEN INBRO DEVELOPMENT CORP.,

a New York Corporation with offices and place of business at Union
Avenue (no number) New Windsor, N. Y.,

party of the first part, and ALFRED CESTARI and MAUREEN CESTARI, Husband and
wife, as tenants by the entirety, residing at 64 Bucket Lane, Levittown,
New York,

party of the second part,

WITNESSETH, that the party of the first part, in consideration of ten dollars and other valuable consideration
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the Town of New Windsor, County of Orange, State of New York,
being shown and designated as Lot 10, Block D as shown on a certain map
entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County,
New York, dated February 1972, revised April 18, 1972 and filed in Orange
County Clerk's Office on September 26, 1972 as Map #2869 (2 sheets);

SUBJECT to covenants, restrictions and easements of record, if any.

SUBJECT to a mortgage from Inbro Development Corp. to the Heritage
Savings Bank in the amount of \$29,600.00 which mortgage was dated November
12, 1974 and recorded November 14, 1974 in Liber 1664 of Mortgages at Page
524.

This conveyance is made in the regular course of business as conducted
by the party of the first part.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and
roads abutting the above described premises and the benefits thereon; TOGETHER with the appurtenances
and all the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO
HOLD the premises herein granted unto the party of the second part, the heirs or successors and assigns of
the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of
the first part will receive the consideration for this conveyance and will hold the right to receive such consid-
eration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply
the same first to the payment of the cost of the improvement before using any part of the total of the same for
any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above
written.

IN PRESENCE OF:

INERO DEVELOPMENT CORP.

By:

Israel [Signature]

1000 - 1010

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came

LIBER 1939 PG 1020

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE, ss:

On the 24th day of January 1975, before me
personally came Isral Lubin
to me known, who, being by me duly sworn, did depose and
say that he resides at No. 2277 Homer
Ace, Brooklyn N.Y.
that he is the Secretary
of

INBRO DEVELOPMENT CORP.

the corporation described
in and which executed the foregoing instrument; that he
knows the seal of said corporation; that the seal affixed
to said instrument is such corporate seal; that it was so
affixed by order of the board of directors of said corpora-
tion, and that he signed his name thereto by like order.

DAVID L. LEVINSON

Notary Public, State of New York
Residing in Rockland County

My Commission Expires March 30, 1975

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me
personally came

to me known to be the individual described in and who
executed the foregoing instrument, and acknowledged that
executed the same.

STATE OF NEW YORK, COUNTY OF ss:

On the day of 19 , before me
personally came
the subscribing witness to the foregoing instrument, with
whom I am personally acquainted, who, being by me duly
sworn, did depose and say that he resides at No.

that he knows

to be the individual
described in and who executed the foregoing instrument;
that he, said subscribing witness, was present and saw
execute the same; and that he, said witness,
at the same time subscribed his name as witness thereto.

Bargain and Sale Deed
WITH COVENANT AGAINST GRANTOR'S ACTS

TITLE NO.

INBRO DEVELOPMENT CORP.

TO

ALFRED CESTARI and
MAUREEN CESTARI

STANDARD FORM OF NEW YORK BOARD OF TITLE UNDERWRITERS

Distributed by

**CHICAGO TITLE
INSURANCE COMPANY**

SECTION

BLOCK

LOT

COUNTY OR TOWN

Recorded at Request of
CHICAGO TITLE INSURANCE COMPANY

Return by Mail to

*Alfred Cestari
64 Bucket Lane
Levittown N.Y.*

Zip No. *11756*

Hillbush

RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

3333
REAL ESTATE TAX STATE OF NEW YORK
TRANSFER TAX
Date of Transaction JAN 30 75
L. F. FIDAL
08 25
Ch. W.

Orange County Clerk's Office, S.S.

Recorded on the *30* day

of *Jan* 1975 at *10:35*

by *John M. M. in Liber 1999*

and Examined *1019*

C. D. Winter

HN 7732

D-10

EXTENSION AND MODIFICATION OF MORTGAGE

THIS AGREEMENT made the 24th day of January, 1975

by and between ALFRED CESTARI and MAUREEN CESTARI, his wife,
residing at 64 Bucket Lane, Levittown, New York, parties
of the first part, hereinafter referred to as the mortgagor, and

HERITAGE SAVINGS BANK, a domestic banking corporation having
its principal office and banking house at #273 Wall Street, Kingston, New
York, party of the second part, hereinafter referred to as the mortgagee.

WITNESSETH:

WHEREAS, heretofore and on the 12th day of November, 1974

INBRO DEVELOPMENT CORP.

executed to the mort-

gagee the following Note and Mortgage.

1. Note dated the 12th day of November, 1974 to secure the sum

See Affidavit filed: Jan 30, 1975
C. J. [Signature] Clerk

of \$ 29,600.00 payable as follows:

2. On the 1st day of November, 1975 together with interest at the rate of nine & one-half per centum ($9\frac{1}{2}$ %) per annum to be computed on all monies advanced from the date hereof and payable on the 1st day of November, 1975, and monthly thereafter to and including the 1st day of December, 1974 with privilege of the obligor of paying prior to maturity, the principal sum and accrued interest thereon, on any interest date, upon payment in addition to the interest then accrued a sum equivalent to one per centum (1%) of the original amount of the mortgage, which note was secured by a mortgage executed by INBRO DEVELOPMENT CORP.

to the mortgagee, dated the 12th day of November, 1974, and recorded the 14th day of November, 1974 in the Orange County

Clerk's Office in Liber 1664 of Mortgages at page 524

LIBER 1999 Pt 1021

RIDER

WEINER

& LOEB, P.C.

ATTORNEYS AT LAW

NEWBURGH, N. Y.

22019-68613307
LMEF 1988-1022

WHEREAS, the said parties of the first part have this day purchased the premises covered by said mortgage from INBRO DEVELOPMENT CORP., which deed is to be recorded simultaneously herewith, and

WHEREAS, the mortgage hereinbefore referred to covers premises situate in the Town of New Windsor, County of Orange, State of New York, and known as Lot 10, Block D, on a map entitled "Woodwind" (formerly MacNary) Town of New Windsor, Orange County, N. Y. dated February 1972, revised April 18, 1972 and filed in Orange County Clerk's Office on 9/26/72 as Map #2869 (2 sheets).

WHEREAS, simultaneously with the execution of said Note and Mortgage, INBRO DEVELOPMENT CORP. executed a Construction Loan Agreement with the mortgagee providing that only the sum of \$ 27,700.00 would be advanced to the said INBRO DEVELOPMENT CORP.

until such time as said premises are sold to a bona fide purchaser, at which time the balance of the principal sum of said Note and Mortgage would be advanced, and

WHEREAS, the mortgagee has heretofore advanced to the said INBRO DEVELOPMENT CORP. the sum of \$ 27,700.00 and

WHEREAS, the mortgagee has advanced to the mortgagor the further sum of \$ 1,900.00, and

WHEREAS, there is now due and owing on said Note and Mortgage the principal sum of \$ 29,600.00

NOW, THEREFORE, in consideration of the sum of \$1.00 paid by each of the parties hereto to the other, the receipt whereof is hereby acknowledged, the mortgagor herein agrees to pay said sum of Twenty-nine thousand, six hundred-----Dollars with interest on the unpaid balance thereof to be computed from the date hereof at the rate of

eight & one-half per centum $8\frac{1}{2}\%$ per annum to the mortgagee at the office of the mortgagee in Kingston, New York, or some other place as it may designate in writing by payment of interest only computed from the date hereof

to and on the 1st day of February, 1975, and thereafter in payments of Two hundred twenty-seven and ----- 60/100 Dollars on the 1st day of each subsequent month until the principal and interest are fully paid, except that the final payment of the indebtedness evidenced hereby, if not sooner paid, shall be due and payable on the 1st day of February, 2005.

AND THE MORTGAGOR COVENANTS WITH THE MORTGAGEE AS FOLLOWS:

FIRST: That the mortgagor shall have the privilege to prepay the balance of the principal due, upon payment of ninety days interest on the unpaid balance of said mortgage, together with interest up to the date of such payment.

SECOND: That the mortgagor shall have the privilege on or after ~~three years~~ one year from the date hereof, to prepay the unpaid balance of the principal due, in whole or in part, without penalty.

THIRD: That, in the event the mortgagor transfers or conveys any part or all of the real estate covered by this mortgage without the written consent of the HERITAGE SAVINGS BANK, then the Heritage Savings Bank may, at its option, declare the whole amount then due under this mortgage, due and payable, any terms herein to the contrary notwithstanding, with the understanding that the payments to the Heritage Savings Bank by any subsequent owner of all or any part of the said real estate, who may have acquired the same without the written consent of the Heritage Savings Bank, or any installment of principal or interest on this mortgage shall not be a waiver

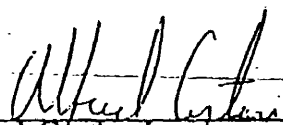
USE 1999 PG 1024

on the part of the Heritage Savings Bank of its rights to pursue its remedies under this acceleration clause.

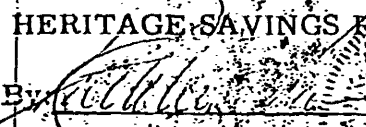
FOURTH: And the mortgagor herein hereby further covenant and agree to comply with the other terms of said Note and Mortgage and that they are now the owners and holders of the premises upon which said mortgage is a valid lien for the sum of Twenty-nine thousand, six hundred-----
-----Dollars - principal with interest thereon at the rate of eight & one-half per centum (8 1/2%) per annum, payable as above set forth and that there are no defenses or offsets to said mortgage or to the debt which it secures; that when the terms and provisions contained in said Note and Mortgage in any way conflict with the terms and provisions herein contained, the terms herein contained shall prevail, and that as modified by this agreement, said Note and Mortgage are hereby ratified and confirmed.

THIS AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of the respective parties hereto.

IN WITNESS WHEREOF, the parties of the first part have hereunto set their hands and seals, and the party of the second part has caused these presents to be executed by its duly authorized officer, the day and year first above written.


Alfred Cestari L.


Maureen Cestari L.

HERITAGE SAVINGS BANK
By 
Kathleen Sullivan
Assistant Vice President

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

On this 29th day of January, 1975 before me personally appeared
ALFRED CESTARI and MAUREEN CESTARI to me personally
known and known to me to be the same persons described in and who executed
the within instrument and they duly and severally acknowledged to me that
they executed the same.

David L. Levinson

DAVID L. LEVINSON
Notary Public, State of New York
Residing in Rockland County
My Commission Expires March 30, 1975

STATE OF NEW YORK)
) SS.:
COUNTY OF ULSTER)

On this 29th day of January, 1975 before me personally appeared
Kathleen Sullivan to me personally known, who, being by
me duly sworn, did depose and say that she resides at RD. 1 Lake Katrine
New York that she is the Assistant Vice President
of HERITAGE SAVINGS BANK, the corporation described in and which exe-
cuted the above instrument; that he knows the seal of said corporation; that
the seal affixed to said instrument is such corporate seal; that it was so
affixed by order of the Board of Trustees of said corporation, and that she
signed her name thereto by like order.

Linda L. Linsky

Linda L. Linsky
Notary Public, State of New York
Residing in Rockland County
My Commission Expires March 30, 1976

LIBER 1999 PC 1025

LIB 1999 Pg 1026

Orange County Clerk's Office, S.S.
Recorded on the 30th day
of Jan 1975 at 10:36
o'clock A.M. in Liber 1999
Deeds at page 102
and Examined.

C. N. Winters

RIDER, WEINER & LOEB, P.C.

ATTORNEYS AND COUNSELLORS AT LAW

POST OFFICE BOX 1268

LITTLE BRITAIN ROAD (ROUTE 207)

NEWBURGH, NEW YORK 12550

Hill & Dale 1025

**PREVIOUS
DOCUMENTS
IN POOR
ORIGINAL
CONDITION**

PUBLIC NOTICE OF HEARING

ZONING BOARD OF APPEALS

TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York, will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following Proposition:

Appeal No. 33

Request of Alfred Cestari

for a VARIANCE of the Zoning Local Law to Permit:

existing deck with insufficient rear yard;

being a VARIANCE of Section 48-12-Table of Use/Bulk Regs.-Cl. F

for property situated as follows:

435 Philo Street, New Windsor, N.Y.

known and designated as tax map Section 73, Blk. 3, Lot 10.

SAID HEARING will take place on the 12th day of July, 1999, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, New York beginning at 7:30 o'clock P.M.

James Nugent
Chairman

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE

98-33

Date: 6/4/99

I. ✓ Applicant Information:

- (a) Alfred & Maurine Cestari, 435 Phila St 565-5938
(Name, address and phone of Applicant) (Owner)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of contractor/engineer/architect)

II. Application type:

- ☐ Use Variance ☐ Sign Variance
- ☒ Area Variance ☐ Interpretation

III. ✓ Property Information

- (a) R-4 435 Phila Street 23-3-10. 100'x100'
(Zone) (Address) (S B L) (Lot size)
- (b) What other zones lie within 500 ft.? NONE
- (c) Is a pending sale or lease subject to ZBA approval of this application? NO
- (d) When was property purchased by present owner? YES
- (e) Has property been subdivided previously? NO
- (f) Has property been subject of variance previously? NO
If so, when? _____
- (g) Has an Order to Remedy Violation been issued against the property by the Building/Zoning Inspector? NO
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail: NO

IV. Use Variance. n/a

- (a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____, to allow: _____
(Describe proposal) _____

N/H
(b) The legal standard for a "use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

(c) Applicant must fill out and file a Short Environmental Assessment Form (SEQR) with this application.

(d) The property in question is located in or within 500 ft. of a County Agricultural District: Yes _____ No _____.

If the answer is Yes, an agricultural data statement must be submitted along with the application as well as the names of all property owners within the Agricultural District referred to. You may request this list from the Assessor's Office.

✓ V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12 Table of Use - BULK Regs., Col. G.
Col. G Rtg.

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area _____	_____	_____
Min. Lot Width _____	_____	_____
Reqd. Front Yd. _____	_____	_____
Reqd. Side Yd. _____	_____	_____
Reqd. Rear Yd. <u>40'</u>	<u>30'</u>	<u>10'</u>
Reqd. Street Frontage* _____	_____	_____
Max. Bldg. Hgt. _____	_____	_____
Min. Floor Area* _____	_____	_____
Dev. Coverage* _____ %	_____ %	_____ %
Floor Area Ratio** _____	_____	_____
Parking Area _____	_____	_____

* Residential Districts only

** No-residential districts only

✓ (b) In making its determination, the ZBA shall take into consideration, among other aspects, the benefit to the applicant if the variance is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant. Also, whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance; (2) whether the benefit sought by the applicant can be achieved by some other method feasible for the applicant to pursue other than an area variance; (3)

whether the requested area variance is substantial; (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and (5) whether the alleged difficulty was self-created. Describe why you believe the ZBA should grant your application for an area variance:

The existing deck is in a residential area that already contains many decks, and thus is homogeneous to the area. The deck has a 30' set back from the nearest property owner's 9-28 would pose no safety threat if it failed. Vacant, is necessary for CV and future sale of home.

(You may attach additional paperwork if more space is needed)

VI. Sign Variance: N/A

(a) Variance requested from New Windsor Zoning Local Law, Section _____, _____ Regs.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign	_____	_____	_____
Sign 3	_____	_____	_____
Sign	_____	_____	_____
	_____	_____	_____

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or over size signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Interpretation: N/A

(a) Interpretation requested of New Windsor Zoning Local Law, Section _____, Table of _____ Regs., Col. _____.

(b) Describe in detail the proposal before the Board:

✓ VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or

upgraded and that the intent and spirit of the New Windsor Zoning is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)

The deck was built by a contractor and is an attractive addition to the property. The deck is in the rear of house and is not intrusive.

IX. Attachments required:

- ☒ Copy of referral from Bldg./Zoning Insp. or Planning Bd.
- ☒ Copy of tax map showing adjacent properties.
- ☐ Copy of contract of sale, lease or franchise agreement.
- ☒ Copy of deed and title policy.
- ☒ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot in question.
- ☒ *n/a* Copy(ies) of sign(s) with dimensions and location.
- ☒ Two (2) checks, one in the amount of \$ 50.00 and the second check in the amount of \$ 300.00, each payable to the TOWN OF NEW WINDSOR.
- ☒ Photographs of existing premises from several angles.

X. Affidavit.

Date: 6/14/99

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

The undersigned applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his/her knowledge or to the best of his/or information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance granted if the conditions or situation presented herein are materially changed.

[Signature]

(Applicant)

Sworn to before me this

14th day of June, 1999.

[Signature: Patricia A. Barnhart]

PATRICIA A. BARNHART
Notary Public, State of New York
No. 01BA4904434
Qualified in Orange County
Commission Expires August 31, 1999.

XI. ZBA Action:

(a) Public Hearing date: _____.

(b) Variance: Granted (____) Denied (____)

(c) Restrictions or conditions: _____

NOTE: A FORMAL DECISION WILL FOLLOW UPON RECEIPT OF THE PUBLIC HEARING MINUTES WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS AT A LATER DATE.

(ZBA DISK#7-080991.AP)